

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

JAMES I. SCHAAP,

Plaintiff,

vs.

RICHARD V. SPENCER, United States  
Secretary of Navy,

Defendant.

Case No.: 3:19-CV-00042-RCJ-CLB

**ORDER OF DISMISSAL WITHOUT  
PREJUDICE PURSUANT TO FRCP 4(m)**

The Court filed the Notice of Intent to Dismiss Pursuant to FRCP 4(m) (ECF No. 8) on June 18, 2019. Plaintiff was ordered to provide the Court with proof of service as to the following parties: **RICHARD V. SPENCER, UNITED STATES SECRETARY OF THE NAVY** on or before July 19, 2019.

Before dismissing the action, the district court is required to weigh several factors: (1) the public's interest in expeditious resolution of litigation; (2) the Court's need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the availability of less drastic sanctions." *Ghazali v. Moran*, 46 F.3d 52, 53 (9<sup>th</sup> Cir. 1995) (internal citations and quotations omitted). All five factors point in favor of dismissal.

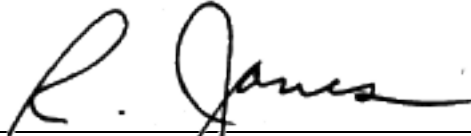
Plaintiff has failed to show good cause why this action should not be dismissed without prejudice for failure to file proof of proper service with this Court pursuant to FRCP 4(m) and failure to comply with the Notice of Intention to Dismiss (ECF No. 8).

1 IT IS HEREBY ORDERED that this action is **DISMISSED WITHOUT**  
2 **PREJUDICE** for Plaintiff's failure to comply with the Court's Notice of Intention to  
3 Dismiss (ECF No. 8) pursuant to FRCP 4(m).  
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5 IT IS FURTHER ORDERED that the Clerk of the Court shall close the case.

6 IT IS SO ORDERED.

7 Dated this 22<sup>nd</sup> day of September, 2020.  
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11 ROBERT C. JONES  
12 United States District Judge  
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